United Nations S/AC.44/2004/(02)/21/Add.1

# Security Council

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**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 11 November 2005 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and with reference to the latter's note of 19 August 2005, has the honour to submit herewith the additional report of the Government of Romania in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

05-63649 (E) 191205

**Annex to the note verbale dated 11 November 2005 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee**

## OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

**State:** Romania

**Date of Report:** 27 October 2005

| | Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ? | YES | if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) | Remarks (information refers to the page of the English version of the report or an official web site) |
|---|---|---|---|---|
| 1 | General statement on non-possession of WMD | | | |
| 2 | General statement on commitment to disarmament and non-proliferation | | | |
| 3 | General statement on non-provision of WMD and related materials to non-State actors | X | Does not provide any form of support to non-State actors | page 4 of the report |
| 4 | Biological Weapons Convention (BWC) | X | Ratified 25 July 1979 | page 11 of the report |
| 5 | Chemical Weapons Convention (CWC) | X | Ratified 15 February 1995 | page 11 of the report |
| 6 | Nuclear Non-Proliferation Treaty (NPT) | X | Ratified February 1970 | page 10 of the report |
| 7 | Comprehensive Nuclear Test Ban Treaty (CTBT) | X | Ratified on October 1999 | page 10 of the report |
| 8 | Convention on Physical Protection of Nuclear Material (CPPNM) | X | Ratified by Law no. 78/1993 | page 19 of the report |
| 9 | Hague Code of Conduct (HCOC) | X | Signed | page 3 of the report |
| 10 | Geneva Protocol of 1925 | X | Ratified 23 August 1929 | page 11 of the report |
| 11 | International Atomic Energy Agency (IAEA) | X | Since 1957 | http://www.iaea.org/about/policy/member states/ |
| 12 | Nuclear Weapons Free Zone/ Protocol(s) | | | |
| 13 | Other Conventions/Treaties | | | |

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|---|---|---|---|---|
| 14 | Other Arrangements | X | 1. Wassenaar Arrangement (WA)<br>2. Nuclear Suppliers Group (NSG)<br>3. Zangger Committee (ZC)<br>4. Australia Group (AG) | pages 2 and 10 of the report |
| 15 | Other | | | |



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## OP 2 - Biological Weapons (BW)

State: Romania

Date of Report: 27 October 2005

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document of national implementation law | YES | If YES, indicate source document | |
| 1 | manufacture/produce | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 2 | acquire | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law no. 472/2002 was abrogated and replaced by Law 535/2004 |
| 3 | possess | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 4 | stockpile/store | | | | | |
| 5 | develop | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 6 | transport | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |

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|---|---|---|---|---|---|---|
| 7 | transfer | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 8 | use | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 9 | participate as an accomplice in a.m. activities | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | Law 535 of 25 November 2004 |
| 10 | assist in a.m. activities | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | X | Law 535/2004 concerning prevention and combating terrorism | Law 535 of 25 November 2004 |
| 11 | finance a.m. activities | X | 1. Law no. 466/2002<br>2. Law 535/2004, Chapter III | X | 1. Law no. 466/2002<br>2. Law no. 656/2002<br>3. Law 535/2004, Chapter IV | page 6 of the report |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | | | X | Law no. 535/2004, Chapter I | 1. page 6 of the report<br>2. Law no. 472/2002 was abrogated and replaced by Law 535/2004 |
| 14 | Other | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV - research for development of BW | X | Law 535/2004 concerning prevention and combating terrorism, Chapter IV | |

## OP 2 - Chemical Weapons (CW)

State: Romania

Date of Report: 27 October 2005

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document of national implementation law | YES | If YES, indicate source document | |
| 1 | manufacture/produce | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 525/2004, Chapter IV | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 525/2004, Chapter IV | page 5 of the report |
| 2 | acquire | X | | X | | |
| 3 | possess | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 525/2004, Chapter IV | |
| 4 | stockpile/store | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003 | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003 | |
| 5 | develop | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | page 5 of the report |
| 6 | transport | X | Law no. 535/2004, Chapter IV | X | Law no. 535/2004, Chapter IV | |
| 7 | transfer | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | page 5 of the report |
| 8 | use | X | | X | | |
| 9 | participate as an accomplice in a.m. activities | X | Law no. 535/2004, Chapter IV | X | Law no. 535/2004, Chapter IV | |

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|---|---|---|---|---|---|---|
| 10 | assist in a.m. activities | X | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | | 1. Law no. 125/1994<br>2. Law no. 56/1997, modified and republished in 2004<br>3. Law no. 448/2003<br>4. Law no. 535/2004, Chapter IV | page 5 of the report |
| 11 | finance a.m. activities | X | 1. Law no. 466/2002<br>2. Law no. 535/2004, Chapter IV | X | 1. Law no. 466/2002<br>2. Law no. 656/2002<br>3. Law no. 535/2004, Chapter IV | page 6 of the report |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | | | X | Law no. 535/2004, Chapter I | 1. page 6 of the report<br>2. Law no. 472/2002 was abrogated and replaced by Law 535/2004 |
| 14 | Other | | | | | |



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## OP 2 - Nuclear Weapons (NW)

State: Romania

Date of Report: 27 October 2005

| Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | if YES, indicate source document of national implementation law | YES | if YES, indicate source document | |
| 1 | manufacture/produce | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 46 | page 5 of the report |
| 2 | acquire | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 44 | page 5 of the report |
| 3 | possess | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 46 | page 5 of the report |
| 4 | stockpile/store | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 44 | http://www.cncan.ro/bd/legi/legea%20111.pdf |
| 5 | develop | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 46 | page 5 of the report |
| 6 | transport | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 44<br>Law 333/2003 concerning the security of assets goods and objectives and personnel protection | |
| 7 | transfer | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 44 | page 5 of the report |
| 8 | use | X | Law no. 111/1996 as modified by Law no. 193/2002 | X | Law no. 111/1996 as modified by Law no. 193/2002, art. 46 | page 5 of the report |
| 9 | participate as an accomplice in a.m. activities | X | Law no. 111/1996 as modified by Law no. 193/2002 | | Law no. 111/1996 as modified by Law no. 193/2002, art. 46 | |
| 10 | assist in a.m. activities | X | Law no. 535/2004, Chapter IV | X | Law no. 535/2004, Chapter IV | |

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|---|---|---|---|---|---|---|
| 11 | finance a.m. activities | X | 1. Law no. 466/2002<br>2. Law no. 535/2004, Chapter IV | X | 1. Law no. 466/2002<br>2. Law no. 656/2002<br>3. Law no. 535/2004, Chapter IV | page 6 of the report |
| 12 | a.m. activities related to means of delivery | | | | | |
| 13 | involvement of non-State actors in a.m. activities | | | X | Law no. 535/2004, Chapter I | 1. page 6 of the report<br>2. Law no. 472/2002 was abrogated and replaced by Law 535/2004 |
| 14 | Other | | | | | |

## OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: Romania

Date of Report: 27 October 2005

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Measures to account for production | | | | | |
| 2 | Measures to account for use | | | | | |
| 3 | Measures to account for storage | | | | | |
| 4 | Measures to account for transport | | | | | |
| 5 | Other measures for accounting | | | | | |
| 6 | Measures to secure production | | | | | |
| 7 | Measures to secure use | | | | | |
| 8 | Measures to secure storage | | | | | |
| 9 | Measures to secure transport | | | | | |
| 10 | Other measures for securing | | | | | |
| 11 | Regulations for physical protection of facilities/materials/ transports | | | | | |
| 12 | Licensing/registration of facilities/persons handling biological materials | | | | | |
| 13 | Reliability check of personnel | | | | | |

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|---|---|---|---|---|---|---|
| 14 | Measures to account for/secure/ physically protect means of delivery | | | | | |
| 15 | Regulations for genetic engineering work | X | Governmental Ordinance 49/2000 on genetic engineering | | | http //www.bioresurse.ro/pagini o mg/aplicatie2.html |
| 16 | Other legislation/ regulations related to safety and security of biological materials | | | | | |
| 17 | Other | ? | Inter-departmental working group to consider and recommend possible updates to national legislation in the biological field | | | page 5 of the report |

## OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: Romania

Date of Report: 27 October 2005

| | Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Measures to account for production | X | *Law no. 56/1997, modified and republished in 2004* | X | *Law no. 56/1997, modified and republished in 2004, Chapter VIII* | *http://www.opcw.org/docs/la_natimpleg/romania%20_leg.pdf* |
| 2 | Measures to account for use | X | *Law no. 56/1997, modified and republished in 2004* | X | *Law no. 56/1997, modified and republished in 2004, Chapter VIII* | *http://www.opcw.org/docs/la_natimpleg/romania%20_leg.pdf* |
| 3 | Measures to account for storage | | | | | |
| 4 | Measures to account for transport | | | | | |
| 5 | Other measures for accounting | | | | | |
| 6 | Measures to secure production | | | | | |
| 7 | Measures to secure use | | | | | |
| 8 | Measures to secure storage | | | | | |
| 9 | Measures to secure transport | | | | | |
| 10 | Other measures for securing | | | | | |
| 11 | Regulations for physical protection of facilities/materials/ transports | | | | | |
| 12 | Licensing of chemical installations/entities/use of materials | X | *Law no. 56/1997, modified and republished in 2004* | X | *Law no. 56/1997, modified and republished in 2004, Chapter VIII* | *http://www.opcw.org/docs/la_natimpleg/romania%20_leg.pdf* |
| 13 | Reliability check of personnel | | | | | |

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|---|---|---|---|---|---|---|
| 14 | Measures to account for/secure/ physically protect means of delivery | | | | | |
| 15 | National CWC authority | X | National Agency for Export Control (ANCEX) | | Law no. 56/1997, modified and republished in 2004, Chapter VIII | page 7 of the report |
| 16 | Reporting Schedule I, II and III chemicals to OPCW | X | *Law no. 56/1997, modified and republished in 2004* | | | *http://www.opcw.org/docs/la_natimpleg/romania%20_leg.pdf* |
| 17 | Account for, secure or physically protect old chemical weapons | | | | | |
| 18 | Other legislation/ regulations controlling chemical materials | | | | | |
| 19 | Other | | | | | |



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## OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

**State:** **Romania**

**Date of Report:** **27 October 2005**

| Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and others | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Measures to account for production | X | *Law no. 111/1996 as modified by Law no. 193/2003 Safeguards regulations in Nuclear Field Authorization Procedures Regulations* | X | Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) Safeguards Regulations in Nuclear Field (art. 109) | *http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 2 | Measures to account for use | X | | X | Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) Safeguards Regulations in Nuclear Field (art. 109) | |
| 3 | Measures to account for storage | X | | X | Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) Safeguards Regulations in Nuclear Field (art. 109) | |
| 4 | Measures to account for transport | X | Law no. 111/1996 as modified by Law no. 193/2003 | X | Law no. 111/1996 as modified by Law no. 193/2003, (art. 44) | |
| 5 | Other measures for accounting | X | Law no. 111/1996 as modified by Law no. 193/2003 Safeguards regulations in Nuclear Field Authorization Procedures Regulations | X | Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) Safeguards Regulations in Nuclear Field (art. 109) | |
| 6 | Measures to secure production | X | *Law no. 111/1996 as modified by Law no. 193/2002* | X | *Responsibility of the applicant for an authorisation* | *http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 7 | Measures to secure use | X | | X | | |
| 8 | Measures to secure storage | X | | X | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 9 | Measures to secure transport | X | Radioactive Material Transport Regulation | X | *1. Transport only by specially authorized transporters*<br>*2. Law no. 111/1996 as modified by Law no. 193/2002, Chapter III*<br>*3. Law 333/2003 concerning the security of assets goods and objectives and personnel protection* | page 5 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 10 | Other measures for securing | X | Physical Protection Regulations in Nuclear Field<br>Regulations on the Requirement for Qualification of Physical Protection Personnel Design Basis Threat Document Guide on Using the DBT Document | X | Physical Protection Regulations in Nuclear Field (art. 186) | *http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 11 | Regulations for physical protection of facilities/materials/ transports | X | *Law no. 111/1996 as modified by Law no. 193/2002* | X | **National Norms for Physical Protection in Nuclear Field** (art. 186)<br>Regulations on the Requirement for Qualification of Physical Protection Personnel Design Basis Threat Document Guide on Using the DBT Document | page 5 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 12 | Licensing of nuclear installations/entities/use of materials | X | | X | *Law no. 111/1996 as modified by Law no. 193/2002, Chapter III* | http://www.cncan.ro/bd/legi/legea%20111.pdf |
| 13 | Reliability check of personnel | X | | | | |
| 14 | Measures to account for/secure/ physically protect means of delivery | | | | | |
| 15 | National regulatory authority | X | National Commission for Nuclear Activities Control (CNCAN) | X | *1. Special empowered CNCAN representatives at the authorization holder's precinct*<br>*2. Law no. 111/1996 as modified by Law no. 193/2002, Chapter III* | page 5 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 16 | IAEA Safeguards Agreements | X | *1. Safeguards Agreement in force 27 October 1972*<br>*2. Additional protocol in force 07 January 2001* | | | pages 2, 3 and 10 of the report<br>*http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf* |

| | | | | | | |
|---|---|---|---|---|---|---|
| 17 | IAEA Code of Conduct on Safety and Security of Radioactive Sources | X | *Expressed support to IAEA DG* | | | *http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf* |
| 18 | IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources | X | *Contributes to database program* | | | *http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html* |
| 19 | Other Agreements related to IAEA | | | | | |
| 20 | Additional national legislation/regulations related to nuclear materials including CPPNM | | | | | |
| 21 | Other | | | X | TRIGA research reactor from HEU fuel to LEU | page 23 of the report |

## OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

**State:** **Romania**

**Date of Report:** **27 October 2005**

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Border control | X | *1. Law no. 141/1997 on the Customs Code*<br>*2. Government Decision no. 1114/2001 on the Regulation of Application of the Customs Code*<br>*Law no. 76/2003 Monitoring procedure of strategic products export* | X | *Chapter XI, Law no. 141/1997 on the Customs Code*<br>*Chapter VI, Section III, Prohibition and limitations of import/export, of Law no. 141/1997 of Customs Code*<br>*Emergency Government Resolution 104/2001 concerning the establishment and function of the Romanian Border Police*<br>*Law 81/2002 to approve the resolution* | http://www.customs.ro/vami_en/Main |
| 2 | Technical support of border control measures | | | X | National Customs owns the following equipment of control : 2 gates for radioactivity detection (Siret and Albita Customs), 47 portable device radiation detection, 47 device for measurement of radiation | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | 1. Law no. 387/2003<br>2. Government Ordinance no. 158/1999, approved by Law no. 595/2004 | X | Penal Code, art. 312<br>Law no. 387/2003, Chapter V<br>Law no. 301/2004 (Penal Code)<br>Government Ordinance no. 158/1999, modified and approved by Law no. 595/2004 | pages 9, 10, and 17 of the report |
| 4 | Enforcement agencies/authorities | X | *Law no. 602 of 30 December 2004: National Customs Authority* | X | National Agency for Export Control; National Customs Authority; Division for Economic Investigation; Border Police<br>Law no. 387/2003, Chapter V<br>Law no. 301/2004 (Penal Code)<br>Law no. 56/1997, modified and republished 2004<br>Government Ordinance no. 158/1999, modified and approved by Law no. 595/2004 | page 16 of the report<br>*http://www.customs.ro/vami_en/Main* |
| 5 | Export control legislation in place | X | 1. Government Decision no. 594/1992<br>2. Government Ordinance no. 31/1994<br>3. Law no. 93/1994<br>4. Government Ordinance no. 158/1999 | X | Penal Code, art. 302<br>Law no. 387/2003<br>Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 301/2004 (Penal Code)<br>Law no. 56/1997, modified and republished in 2004<br>Government Resolution 920/2005 concerning function of ANCEX<br>Law 387/2003 concerning double use technology export and import schedule<br>Law 595/2004 concerning the military products export and import schedule | pages 7 and 17 of the report |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | 5. Law no. 387/2003<br>6. Government Ordinance no. 158/1999, approved by Law no. 595/2004 | | Administrative and criminal penalties<br>Law no. 387/2003<br>Government Ordinance no. 158/1999, approved by Law no. 595/2004 | |
| 6 | Licensing provisions | X | | X | Government Resolution 920/2005 concerning function of ANCEX<br>Law 387/2003 concerning double use technology export and import schedule<br>Law 595/2004 concerning the military products export and import schedule | page 7 of the report |
| 7 | Individual licensing | X | Law no. 387/2003<br>Government Ordinance no. 158/1999, approved by Law no. 595/2004 | | Law no. 387/2003<br>Government Ordinance no. 158/1999, approved by Law no. 595/2004 | pages 10 and 14 of the report |
| 8 | General licensing | X | | | | page 14 of the report |
| 9 | Exceptions from licensing | | | | | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | National Agency for Export Control - ANCEX (Government Decision No. 594/1992, which must be correlated with the provisions of Government Decision no. 920/2005)<br>Law no. 387/2003, Government Ordinance no 158/1999, modified and approved by Law no 595/2004) | | | page 7 and 8 of the report |
| 12 | Interagency review for licenses | X | 1. Interministerial Council (Law no. 387/2003, Ordinance no 158/1999, modified and approved by Law no 595/2004))<br>2. Inter-departmental Group for Non-proliferation<br>3. Interministerial Council for Counter-terrorism | | | pages 4 and 8 of the report |

| | | | | | | |
|---|---|---|---|---|---|---|
| 13 | Control lists | X | Government Decision no. 20/2000<br>Government Decision No. 844/2001<br>Government Decision no. 861/2004<br>Government Decision No. 983/2005 | | | pages 12 and 18 of the report |
| 14 | Updating of lists | X | Government Decision no. 861/2004 and other updates<br>Government Decision No. 983/2005 | | | pages 8 and 12 of the report |
| 15 | Inclusion of technologies | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | page 10 of the report |
| 16 | Inclusion of means of delivery | X | Government Decision no. 594/1992<br>Government Decision no. 467/1999, Annex 1<br>Government Decision no. 861/2004<br>Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004<br>Government Resolution 983/2005 concerning double use technology and substances catalogue coming under control schedule<br>Government Resolution 844/2001 concerning military products catalogue coming under control schedule | page 11 of the report |
| 17 | End-user controls | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | X | 1. International Import Certificate<br>2. Fines<br>Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | pages 9, 13, 15, and 17 of the report |

| | | | | | | |
|---|---|---|---|---|---|---|
| 18 | Catch all clause | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | page 12 of the report |
| 19 | Intangible transfers | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | X | Law no. 387/2003<br>Government Ordinance no 158/1999, modified and approved by Law no 595/2004 | page 10 of the report |
| 20 | Transit control | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004, concerning military products export and import schedule<br>Law no. 387/2003 | pages 13 and 14 of the report |
| 21 | Trans-shipment control | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | pages 13 and 15 of the report |
| 22 | Re-export control | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | page 9 of the report |
| 23 | Control of providing funds | | | | | |
| 24 | Control of providing transport services | | | | | |
| 25 | Control of importation | X | Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | X | Delivery Verification Certification<br>Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>Law no. 387/2003 | pages 13 and 15 of the report |
| 26 | Extraterritorial applicability | X | Applies to Romanian natural persons and residents abroad | | | page 10 of the report |
| Bla | Other | | | X | Black Sea Border Security Initiative | page 24 of the report |

## OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: Romania

Date of Report: 27 October 2005

| Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ? | | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Border control | X | *1. Law no. 141 on the Customs Code*<br>*2. Government Decision no. 1114/2001 on the Regulation of Application of the Customs Code* | X | *Customs Code, Chapter XI* | *http://www.customs.ro/vami_en/Main* |
| 2 | Technical support of border control measures | | | | | |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | 1. Law no. 387/2003<br>2. Government Ordinance no. 158/1999, approved by Law no 595/2004 | X | Penal Code, art. 312 | pages 9, 10, and 17 of the report |
| 4 | Enforcement agencies/authorities | X | *Law no. 602 of 30 December 2004: National Customs Authority* | X | National Agency for Export Control; National Customs Authority; Division for Economic Investigation; Border Police | page 16 of the report<br>*http://www.customs.ro/vami_en/Main* |
| 5 | Export control legislation in place | X | 1. Government Decision no. 594/1992, which must be correlated with the provisions of Government Decision no. 920/2005 | X | 1. Penal Code, art. 302<br>*2. Law no. 56/1997, Chapter VIII* | page 7 of the report<br>*http://www.opcw.org/docs/fa_natimpleg/romania%20_leg.pdf* |
| 6 | Licensing provisions | X | 2. Government Ordinance no. 31/1994<br>3. Law no. 93/1994<br>4. Government Ordinance no. 158/1999, approved by Law no 595/2004<br>5. Law no. 387/2003<br>*6. Law no. 56/1997* | X | *1. Law no. 56/1997, Chapter VIII*<br>2. Administrative and criminal penalties | pages 7 and 17 of the report<br>*http://www.opcw.org/docs/fa_natimpleg/romania%20_leg.pdf* |

| | | | | | | |
|---|---|---|---|---|---|---|
| 7 | Individual licensing | X | Case-by-case | | | pages 10 and 14 of the report |
| 8 | General licensing | X | | | | page 14 of the report |
| 9 | Exceptions from licensing | | | | | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | National Agency for Export Control - ANCEX (Government Decision No. 594/1992)<br>Government Ordinance no. 158/1999, approved by Law no 595/2004<br>which must be correlated with the provisions of Government Decision no. 920/2005 | X | Government Resolution 920/2005 concerning ANCEX functions | page 7 and 8 of the report |
| 12 | Interagency review for licenses | X | 1. Interministerial Council (Law no. 387/2003)<br>2. Inter -departmental Group for Non-proliferation<br>3. Interministerial Council for Counter-terrorism | | | pages 4 and 8 of the report |
| 13 | Control lists | X | 1. Government Decision no. 20/2000<br>2.Government Decision No. 844/2001<br>3. Government Decision no. 861/2004<br>*4. Law no. 56/1997, Annex 1* | | | pages 12 and 18 of the report<br>*http://www.opcw.org/docs/fa_nat impleg/romania%20_leg.pdf* |

| | | | | | | |
|---|---|---|---|---|---|---|
| 14 | Updating of lists | X | Government Decision no. 861/2004 | X | Government Resolution 983/2005 concerning double use technology and substances catalogue coming under control schedule<br>Government Resolution 844/2001 concerning military products catalogue coming under control schedule<br>Addendum 1 at Law 56/1997 concerning prohibition of chemical weapons | page 8 of the report |
| 15 | Inclusion of technologies | X | | | | page 10 of the report |
| 16 | Inclusion of means of delivery | X | 1. Government Decision no. 594/1992, which must be correlated with the provisions of Government Decision no. 920/2005<br>2. Government Decision no. 467/1999, Annex 1 | | | page 11 of the report |
| 17 | End-user controls | X | *Law no. 56/1997* | X | 1. International Import Certificate<br>2. Fines | pages 9, 13, 15 and 17 of the report<br>*http://www.opcw.org/docs/fa_natimpleg/romania%20_leg.pdf* |
| 18 | Catch all clause | X | | | | page 12 of the report |
| 19 | Intangible transfers | X | | | | page 10 of the report |
| 20 | Transit control | X | Government Ordinance No. 158/1999 | X | Delivery Verification Certification<br>Law 595/2004 concerning the military products export and import schedule | pages 13 and 14 of the report |
| 21 | Trans-shipment control | X | Government Ordinance No. 158/1999 | X | | pages 13 and 15 of the report |
| 22 | Re-export control | X | Government Ordinance No. 158/1999 | X | | page 9 of the report |
| 23 | Control of providing funds | | | X | | |
| 24 | Control of providing transport services | | | X | | |
| 25 | Control of importation | X | Government Ordinance No. 158/1999 | X | | pages 13 and 15 of the report |
| 26 | Extraterritorial applicability | X | Applies to Romanian natural persons and residents abroad | | | page 10 of the report |
| 27 | Other | | | X | "Border Defense Initiative" | page 24 of the report |

## OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

**State:** **Romania**

**Date of Report:** **27 October 2005**

| | Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ? | National legal framework | | Enforcement: civil/criminal penalties, and measures of implementation, etc | | Remarks |
|---|---|---|---|---|---|---|
| | | YES | If YES, indicate source document | YES | If YES, indicate source document | |
| 1 | Border control | X | *1. Law no. 141 on the Customs Code*<br>*2. Government Decision no. 1114/2001 on the Regulation of Application of the Customs Code* | X | *Customs Code, Chapter XI* | *http://www.customs.ro/vami_en/Main* |
| 2 | Technical support of border control measures | | | | | |
| 3 | Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology | X | 1. Law no. 387/2003<br>2. Government Ordinance no. 158/1999, approved by Law no. 595/2004 | X | Penal Code, art. 312 | pages 9, 10, and 17 of the report |
| 4 | Enforcement agencies/authorities | X | *Law no. 602 of 30 December 2004: National Customs Authority* | X | National Agency for Export Control; National Customs Authority; Division for Economic Investigation; Border Police | page 16 of the report<br>*http://www.customs.ro/vami_en/Main* |
| 5 | Export control legislation in place | X | 1. Government Decision no. 594/1992<br>2. Government Ordinance no. 31/1994 | X | Penal Code, art. 302 | |



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|---|---|---|---|---|---|---|
| 6 | Licensing provisions | X | 3. Law no. 93/1994<br>4. Government Ordinance no. 158/1999, approved by Law no. 595/2004<br>5. Law no. 387/2003<br>*6. Law 111/1996 as amended as modified by Law no 193/2002*<br>*7. Government Decision no 916/2002* | X | Administrative and criminal penalties | pages 7 and 17 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 7 | Individual licensing | X | Case-by-case | | | pages 10 and 14 of the report |
| 8 | General licensing | X | | | | page 14 of the report |
| 9 | Exceptions from licensing | | | | | |
| 10 | Licensing of deemed export/visa | | | | | |
| 11 | National licensing authority | X | National Agency for Export Control - ANCEX (Government Decision No. 594/1992)<br>Law no. 111/1996 as modified by Law no 193/2003 | | | page 7 and 8 of the report |
| 12 | Interagency review for licenses | X | 1. Interministerial Council (Law no. 387/2003)<br>2. Inter -departmental Group for Non-proliferation<br>3. Interministerial Council for Counter-terrorism<br>4. MoD and CNCAN | | | pages 4, 8 and 12 of the report |
| 13 | Control lists | X | 1. Government Decision no. 20/2000<br>2. Government Decision No. 844/2001<br>3. Government Decision no. 861/2004 | | | pages 12 and 18 of the report |
| 14 | Updating of lists | X | Government Decision no. 861/2004 | | | page 8 of the report |
| 15 | Inclusion of technologies | X | | | | page 10 of the report |
| 16 | Inclusion of means of delivery | X | 1. Government Decision no. 594/1992<br>2. . Government Decision no. 861/2004 | | | page 11 of the report |

| | | | | | | |
|---|---|---|---|---|---|---|
| 17 | End-user controls | X | | X | 1. International Import Certificate<br>2. Fines | pages 9, 13, 15, and 17 of the report |
| 18 | Catch all clause | X | | | | page 12 of the report |
| 19 | Intangible transfers | X | | | | page 10 of the report |
| 20 | Transit control | X | *1. Law no. 111/1996 as modified by Law no 193/2003*<br>2. Government Ordinance No. 158/1999 | X | *Law no. 111/1996 as modified by Law no 193/2003* | pages 13 and 14 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 21 | Trans-shipment control | X | Government Ordinance No. 158/1999 | X | Law 595/2004 concerning military products export and import schedule | pages 13 and 15 of the report |
| 22 | Re-export control | X | Government Ordinance No. 158/1999 | X | | page 9 of the report |
| 23 | Control of providing funds | | | | | |
| 24 | Control of providing transport services | X | *1. Law no. 111/1996 as amended*<br>2. Radiation Material Transport Regulation | X | *1. Transport only by specially authorized transporters*<br>*2. Law no. 111/1996 as modified by Law no. 193/2002, Chapter III* | page 5 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 25 | Control of importation | X | *1. Law no. 111/1996 as amended*<br>2. Government Ordinance No. 158/1999 | X | *1. Law no. 111/1996 as amended*<br>2. Delivery Verification Certification | pages 13 and 15 of the report<br>*http://www.cncan.ro/bd/legi/legea%20111.pdf* |
| 26 | Extraterritorial applicability | X | Applies to Romanian natural persons and residents abroad | | | page 10 of the report |
| 27 | Other | | | X | Black Sea Border Security Initiative | page 24 of the report |



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## OP 6, 7 and 8 (d) - Control lists, Assistance, Information

**State:** Romania

**Date of Report:** 27 October 2005

| | Can information be provided on the following issues ? | YES | | Remarks |
|---|---|---|---|---|
| 1 | Control lists - items (goods/ equipment/materials/technologies) | X | 1. Government Decision no. 861/2004: List of dual-use goods and technologies<br>2. Government Decision no. 844/2001: List of arms, ammunition and other military goods<br>3. Government Decision no. 467/1999, Annex I<br>4. Government Decision no. 20/2000<br>*5. Law no. 56/1997, Annex 1* | pages 12 and 18 of the report<br>*http://www.opcw.org/docs/la_natimpleg/romania%20_leg.pdf* |
| 2 | Control lists - other | | | |
| 3 | Assistance offered | X | Romania is willing to contribute its share in providing assistance, as appropriate, in response to requests | page 18 of the report |
| 4 | Assistance requested | | | |
| 5 | Assistance in place (bilateral/plurilateral/multilateral) | | | |
| 6 | Information for industry | X | 1. National Nuclear Regulatory Authority works with institutions and industry performing authorized nuclear activities<br>2. National CWC Authority works with Romanian industry, including to organize conferences, seminars, workshops, etc.<br>3. these areas are regulated by Government Ordinance no. 7/2003 regarding the utiliyation of nuclear energy exclusively in peaceful purposes, republished | pages 21 and 22 of the report |
| 7 | Information for the public | X | Information is disseminated through websites, publications and leaflets<br>- these areas are regulated by Government Ordinance no. 7/2003 regarding the utiliyation of nuclear energy exclusively in peaceful purposes, republished | pages 5, 7 and 22 of the report |